

Message Text

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ACTION NEA-10

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
ICA-11 SES-02 SAA-01 HA-05 EUR-12 SSM-03 /100 W
-----119853 261114Z /11

R 251741Z AUG 78
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 5128
INFO AMEMBASSY AMMAN
AMEMBASSY CAIRO
USMISSION GENEVA
AMCONSUL JERUSALEM
USMISSION USUN NEW YORK

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C O R R E C T E D C O P Y TEXT (GARBLED TAGS AND SUBJECT)

E.O. 11652: N/A
TAGS: SHUM, IS
SUBJECT: ISRAELI NON-PAPER ON HUMAN RIGHTS IN THE OCCUPIED
TERRITORIES

1. AT RECENT MEETING BETWEEN AMBASSADOR AND MINISTER OF
DEFENSE WEIZMAN ON ANOTHER SUBJECT, WEIZMAN AIDE COL.
TEHILA PASSED TO POLCOUNSELOR NON-PAPER ON ISRAELI HUMAN
RIGHTS PRACTICES IN THE TERRITORIES. THE ISRAELI DOCU-
MENT WAS PROVIDED IN THE CONTEXT OF OUR CONTINUING EX-
CHANGES ON THIS ISSUE.

2. THE ISRAELI PAPER, ENTITLED "THE QUESTION OF HUMAN
RIGHTS IN THE AREAS ADMINISTERED BY ISRAEL," IS A GENERAL
SURVEY OF THE SUBJECT. IT DOES NOT DEAL WITH DETAILED
CASES. THE DOCUMENT NOTES THAT THE QUESTION OF HUMAN
RIGHTS IN THE OCCUPIED TERRITORIES NECESSARILY TAKES ON
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A DIFFERENT FORM FROM WHAT WOULD NORMALLY BE FOUND DURING
A STATE OF PEACE. NEVERTHELESS, THE INSTITUTIONAL FRAME-
WORK SET UP BY THE GOI TO ENSURE THE PROTECTION OF BASIC
HUMAN RIGHTS IS SAID TO HAVE BEEN EXTENDED FAR BEYOND THE
MINIMUM DEMANDS OF THE LAWS OF ARMED CONFLICT.

3. THE PAPER NOTES THAT ISRAEL DOES NOT RECOGNIZE THE

APPLICABILITY OF THE FOURTH GENEVA CONVENTION IN THE OCCUPIED AREAS FOR REASONS BASED ON POLITICAL AND LEGAL CONSIDERATIONS CONNECTED WITH THE QUESTION OF SOVEREIGNTY OVER THE WEST BANK. HOWEVER, ISRAEL APPLIES THE CONVENTION'S HUMANITARIAN PROVISIONS DE FACTO. IN ADDITION, BASIC RIGHTS TO LIFE, LIBERTY AND SECURITY OF PERSON ARE SAID TO BE GUARANTEED BY THE RULE OF LAW. EXISTING INSTITUTIONS, LEGAL SYSTEMS, MODES OF LAW AND JUDICIAL MACHINERY HAVE BEEN RETAINED, WHILE IN CONFORMITY WITH THE LAWS OF ARMED CONFLICT MILITARY COURTS, BASED UPON MILITARY LAW, HAVE BEEN SET UP FOR SECURITY OFFENSES.

4. THE PAPER PRESENTS A BROAD DEFENSE OF ISRAELI'S POWER OF ADMINISTRATIVE DETENTION AND REFUTES CHARGES OF ILL TREATMENT OF DETAINEES. THE ROLE OF THE ICRC IN THE TERRITORIES IS ALSO OUTLINED. THE PAPER NOTES THAT ICRC DELEGATES MAY VISIT DETAINEES WITHOUT WITNESSES WITHIN THE FIRST 14 DAYS OF THEIR DETENTION WHILE STILL UNDER INTERROGATION AND AT SIMILAR REGULAR PERIODS AS LONG AS INTERROGATION LASTS IN ORDER TO ASCERTAIN IDENTITY, CONDITION OF HEALTH AND CONDITIONS OF DETENTION. IN THE EVENT THAT THE ICRC DELEGATE FEELS THE NECESSITY AFTER SUCH A VISIT, A MEDICAL EXAMINATION MAY BE UNDERTAKEN BY A SWISS PHYSICIAN BELONGING TO THE ICRC STAFF OR ANY OTHER PHYSICIAN APPROVED BY BOTH THE ICRC AND THE ISRAELI AUTHORITIES, WITHOUT THE PRESENCE OF WITNESSES.

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5. PAPER BEING TRANSMITTED TO ADDRESSEES BY AIRGRAM.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PAPERS, HUMAN RIGHTS, MILITARY OCCUPIED AREAS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978TELAV10986
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780352-1171, D780349-0917
Format: TEL
From: TEL AVIV
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780821/aaaaarir.tel
Line Count: 97
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 493f755b-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1614480
Secure: OPEN
Status: NATIVE
Subject: ISRAELI NON-PAPER ON HUMAN RIGHTS IN THE OCCUPIED TERRITORIES
TAGS: SHUM, IS
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/493f755b-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014